

## REMARKS/ARGUMENTS

This reply is responsive to the Office Action mailed on April 17, 2007. Reconsideration and allowance of the application and presently pending claims 4-13 and 17-21 are respectfully requested.

### Present Status of the Patent Application

Claims 4-13 and 17-21 remain pending in the present application. Claims 7 and 8 have been amended. Claims 17-21 have been added. Claims 1-3 and 14-16 have been cancelled. The amendments to the claims were made to render them more clear and definite and to emphasize the patentable novelty thereof. There is no intent to surrender equivalence. No new search should be required.

Applicant would like to express his appreciation to the Examiner for the finding of allowable subject matter in claims 4-6.

### Response to Claim Rejections Under 35 U.S.C. §101

Claims 1-3 and 7-13 have been rejected under 35 U.S.C. 101. Claim 1 has been cancelled rendering the rejection of claim 1 moot. Claim 7 has been rejected because it allegedly "is not **tangibly embodied** in a manner so as to ***be executable*** as the only hardware is in an intended use statement." Claim 7 has been amended to include a hardware limitation so that it is "tangibly embodied in a manner so as to be executable." Applicant respectfully requests that these rejections be withdrawn.

### *Dependent Claims*

Dependent claims 8-13 are believed to be allowable for at least the reason that these claims depend from allowable independent claim 7. *In re Fine*, 837 F.2d 1071, 5 U.S.P.Q.2d 1596, 1600 (Fed. Cir. 1988).

*New Claims*

New claims 17-21 are believed to be allowable for at least the reason that these claims depend from allowed independent claim 4.

**CONCLUSION**

The other cited art of record has been reviewed, and it is believed that the claims, as amended, patentably distinguish thereover.


In light of the foregoing amendments and for at least the reasons set forth above, Applicant respectfully submits that all objections and rejections have been traversed, rendered moot, and/or accommodated, and that now pending claims 4-13 and 17-21 are in condition for allowance. Favorable reconsideration and allowance of the present application and all pending claims are hereby courteously requested. If, in the opinion of the Examiner, a telephonic conference would expedite the examination of this matter, the Examiner is invited to call the undersigned at 619-209-3063.

Please direct all correspondence to the undersigned attorney or agent at the address indicated below.

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